



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

On February 18, 2013, City Council voted to grant this application an expedited hearing per UDO 3.5.11.B.

Meeting Date: April 1, 2013

Table A. Summary			
Application Summary			
Case Number	Z1200028	Jurisdiction	City
Applicant	Integral Development, LLC	Submittal Date	December 10, 2012
Reference Name	Whitted School	Site Acreage	4.062
Location	200 East Umstead Street between South Roxboro Street and Sawyer Street		
PIN(s)	0821-20-82-8319		
Request			
Proposed Zoning	Planned Development Residential 20.000 (PDR 20.000)	Proposal	Senior independent living facility and a preschool
Site Characteristics			
Development Tier	Urban Tier		
Land Use Designation	Medium-High Density Residential (8 – 20 DU/Ac.)		
Existing Zoning	Residential Urban – 5(2) (RU-5(2))		
Existing Use	Vacant community service		
Overlay	N/A	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Planning Commission will make a recommendation on March 12, 2013.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of one parcel of land totaling 4.062 acres from RU-5(2) to PDR 20.000 for a residential development and a preschool. The site is located at 200 East Umstead Street between South Roxboro Street and Sawyer Street (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Medium-High Density Residential (8 – 20 DU/Ac.).

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests on this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. A text commitment has been proffered to commit to requirements in excess of ordinance standards regarding provision of transit facilities on South Roxboro Street including additional sidewalk, concrete pad, shelter, and bench.

Graphic Commitments. Graphic commitments include the general location of site access points, and tree preservation/replacement area.

Design Commitments. The existing 1922, two-story, brick, historic school featuring a concrete frieze and its 1953 three-story, brick addition will be adaptively renovated per the Secretary of the Interior standards as a historic tax credit project. The new rear addition style, massing, roofline, and materials must be judged compatible with the historic building per these same standards.

Determination. The requested PDR 20.000 zoning district and associated development plan meets or exceeds the applicable requirements of the UDO.

Proposed Development. The proposed development includes 80 residential units and a 32,500 square foot preschool or daycare. Although not committed, the applicant has stated the intent to develop utilizing the Affordable Housing Density Bonus to gain an additional 12 units for a total of 92 allowable units by right, to be determined at the site

plan stage. The proposed development of a daycare or preschool would require the approval of a minor special use permit through the Board of Adjustment.

Creation of a Non-conforming structure. Should the PDR zoning district be approved the existing structure (The Whitted School) will become a legal non-conforming structure due to its not meeting the required setbacks along Sawyer Street. Currently the UDO only allows expansion of a nonconforming structure of up to a maximum of 10%. Expansion greater than 10% requires a minor special use permit. Should text amendment TC1100007, Discretionary Actions be approved as currently written, a minor special use permit would not be required for greater than 10% expansion so long as the expansion meets all current ordinance requirements. Although additional development potential would be approved through the requested PDR designation, the building configuration is not committed. As such, the subject development plan meets the existing ordinance requirements.

If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district and associated development plan is consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.5. A proposed paved shoulder along South Roxboro Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.5. If approved, this project is not required to construct road improvements along South Roxboro Street and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. The 4.062-acre site is comprised of one parcel; the site of The Whitted School. The Whitted School is a three story building built in 1922 with a three story expansion added in 1953. The remainder of the site has vehicle and pedestrian circulation, with some trees and shrubs throughout the lawn area.

Area Characteristics. This site is in the Urban Tier; established to ensure that new development enhances the street level experience and promote the urban form with small lot sizes and proximity of uses. This area offers a mix of uses including residential, commercial, and several places of worship and is less than ½ mile from Downtown where many employment and retail opportunities and government services are located. The

transportation infrastructure, including public transportation, provides ready access to Downtown and other support services.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed PDR 20.000 district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding transitioning uses.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to decrease the traffic generation of the subject site by 388 daily trips, increase the students generated from the proposed use by five students, and increase the estimated water demand of the site by 6,213 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested PDR 20.000 zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Applicant: Daryl Jones, Integral Development LLC	Ph: 404-224-1883	DJones@Integral-online.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting March 12, 2013 (Case Z1200028)

Zoning Map Change Request: Residential Urban – 5(2) to Planned Development Residential 20.000.

Staff Report:

Public Hearing:

Commission Discussion:

Motion:

Action:

Findings:

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map

Table K. Supporting Information		
		2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner's Acknowledgement 7. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 8. Planning Commissioner's Written Comments 9. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement

7. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	Planned Development Residential - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	2	4.062
Residential Density (maximum)	6.11.3.C	Specified on plan	20.000 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	90 if identified on plan	45
Minimum Street Yard (feet)	6.11.3.E.1	25	25

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C.4.b	3% (0.12 acres)	3% (0.12 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	CN	0.2/0.6*	0.6 (20 feet)
	RU-5(2)	0.4/0.6	0.6 (20 feet)
East	RU-5(2)	0.4/0.6	0.6 (20 feet)
South	RU-5(2)	0.4/0.6	0.6(20 feet)
West	RU-5(2)	0.4/0.6*	0.6 (20 feet)
	RS-M	0.4/0.6*	0.6 (20 feet)

* Project Boundary Buffers are not applicable to a section of right-of-way greater than 60 feet

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 80 residential units = 20.000 DU/Ac and 32,500 square feet of daycare/preschool.	S-1.00
	Building/Parking Envelope has been appropriately identified.	S-1.00
	Project Boundary Buffers are appropriately shown	S-1.00
	Stream Crossing. None shown.	N/A
	Access Points. Seven (7) access points have been identified.	S-1.00
	Dedications and Reservations. None	N/A
	Impervious Area. 100% = 4.062 acres	S-1.00
	Environmental Features. None identified.	N/A
	Areas for Preservation. None.	N/A
	Tree Coverage. 3% (0.12 acres) as shown.	S-1.00
Graphic Commitments	Location of tree preservation/replacement areas. Location of access points.	S-1.00
Text Commitments	1. Transit facilities to serve this site will be provided on South Roxboro as determined by the City of Durham at the time of site plan submittal. The transit facilities may include additional sidewalk, a concrete pad, shelter, and bench.	Cover
SIA Commitments	None provided	N/A
Design Commitments	The existing 1922, two-story, brick, historic school featuring a concrete frieze and its 1953 three-story, brick addition will be adaptively renovated per the Secretary of the Interior standards as a historic tax credit project. The new rear addition style, massing, roofline, and materials must be judged compatible with the historic building per these same standards.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Medium-High Density Residential (8-20 DU/Ac.): Land used primarily for residential uses.</p> <p>Urban Tier: land primarily developed prior to the 1960s with small lot sizes in traditional grid patterns and differing uses in proximity to one another. Land located in the Urban Tier has access to urban services and provides opportunities for infill and redevelopment.</p>
2.2.3b	Urban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Residential, Institutional, Commercial, Office, and Industrial.
2.3.1b	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

Table E. Adopted Plans
<i>Long Range Bicycle Plan</i>
Map 4-5 shows a proposed bicycle land along South Roxboro Street.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Retail, single-family residential, vacant	CN, RU-5(2)	N/A
East	Single-family residential	RU-5(2)	N/A
South	Outdoor recreation	RU-5(2)	N/A
West	Single-family residential, duplex	RU-5(2), RS-M	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
South Roxboro Street is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	South Roxboro Street
Current Roadway Capacity (LOS D) (AADT)	11,900
Latest Traffic Volume (AADT)	5,200
Traffic Generated by Present Designation (average 24 hour)*	1,312
Traffic Generated by Proposed Designation (average 24 hour)**	924
Impact of Proposed Designation	-388

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2010)

S. Roxboro Street: 2-lane major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

***Assumption-** (Max Use of Existing Zone) RU-5(2): 85,000 square-foot elementary school

**** Assumption-** (Max Use of Proposed Zoning) PDR 20.000: 89 senior apartments and a 136 student daycare

Table G2. Transit Impacts
Transit service is currently provided adjacent to the site along South Roxboro Street via existing DATA Route #7 and proposed Route #5.

Table G3. Utility Impacts
This site will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 17 students if developed at the maximum residential capacity. This represents an increase of five students over the existing zoning. Durham Public Schools serving the site are C.C. Spaulding Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20th Day Attendance (2011-12 School Year)	16,150	7,212	9,476
Committed to Date (January 2010 – December 2012)	321	105	37
Available Capacity	2,044	1,172	1,465
Potential Students Generated – Current Zoning *	5	3	4
Potential Students Generated – Proposed Zoning **	10	4	3
Impact of Proposed Zoning	+5	+1	-1

*Assumption (Max Use of Existing Zone) – RU-5(2): 35 single-family houses

**Assumption (Max Use of Proposed Zoning) – PDR 20.000: 80 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 9,525 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 4,100 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	26.96 MGD
Approved Zoning Map Changes (January 2010 – December 2012)	0.69 MGD
Available Capacity	9.35 MGD
Estimated Water Demand Under Present Zoning*	5,425 GPD
Potential Water Demand Under Proposed Zoning**	9,525 GPD
Potential Impact of Zoning Map Change	+4,100

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RR: 35 single-family lots

**Assumption- (Max Use of Proposed Zoning) – PDR 20.000: 80 apartments and 32,500 square feet of daycare/preschool

Appendix K: Summary of Planning Commission Meeting

Attachments:

8. Planning Commissioner's Written Comments
9. Ordinance Form